

4. Constraints and Mitigating Opportunities

A variety of factors can encourage or constrain the development, maintenance, and improvement of housing in Carlsbad, particularly for low and moderate income households. Its coastal location and mesa/canyon topography imposes physical and regulatory constraints, as well as commands high land costs that present challenging market constraints. This section provides an analysis of various potential and actual constraints to housing development and preservation in Carlsbad. When an actual constraint is identified, the Housing Element must consider actions and opportunities that can mitigate the constraints. While certain factors may increase the costs of housing, such as construction/labor costs, their impacts are similar throughout the region and therefore do not impose disadvantages on the City. These factors are considered potential, but not actual constraints.

A. Market Constraints

Land costs, construction costs, and market financing contribute to the cost of housing reinvestments and can potentially hinder the production of new affordable housing.

Land Cost

In most cities, land costs vary with site location, availability of infrastructure, and offsite conditions. In Carlsbad, location is the single greatest factor determining land prices. Carlsbad is a highly desirable place to live and many properties have coastal views. Proximity to freeway access, public facilities, and community image also contribute to the high land costs in the City.

The average cost per acre for a vacant single-family lot in September 2004 was \$903,236 per acre (**Table 4-1**). At that time, few vacant multi-family residential properties were for sale on the market. In September, the Multiple Listing Service (MLS) database listed one vacant multi-family lot where a four-plex could be built. The cost of this 0.13-acre lot was \$595,000. The cost of vacant residential land in Carlsbad is a significant market constraint to the production of new affordable housing.

Table 4-1
Vacant Land Prices: September 2004

Housing Type and Acres	Lot Size (acres)	Advertised Price	Average \$/acre
Single-Family	1.08	\$550,000	\$903,236
	2.50	\$550,000	
	0.57	\$650,000	
	0.14	\$898,500	
	0.48	\$900,000	
	3.31	\$990,000	
	0.57	\$1,000,000	
	0.12	\$1,100,000	
	1.89	\$2,990,000	
Multi-Family	0.13	\$595,000	\$4,576,923

Source: MLS Listings, September 2004.

Mitigation Opportunities

The City offers several opportunities to mitigate the impact of land costs on affordable housing development. Specifically:

- **Adequate Sites Inventory:** The City ensures, through land use planning actions, that an adequate supply of residential sites is available to meet the City's projected housing needs. This discussion is contained in Section 3, Resources Available.
- **Density Bonus:** The City offers density bonuses, pursuant to State law, to increase the yield (number of units) that can be achieved on a property, thereby reducing the per-unit land cost.
- **Eminent Domain/Friendly Condemnation:** The City may choose to acquire properties through friendly eminent domain proceedings. Through this process, the City is required to offer fair market value and the owner may accrue substantial tax benefits.
- **Land Banking/Surplus Land:** The City may acquire land and reserve it for future residential development. In addition to privately held properties, surplus land owned by the City and other public agencies offers additional opportunities for affordable housing. The acquired land can be resold with entitlement to a nonprofit developer at a reduced price to provide housing affordable to lower income households. The City may also accept land as an in-lieu contribution by a developer to fulfill the inclusionary housing requirement.

Construction and Labor Costs

The International Conference of Building Officials (ICBO) provides estimates on labor and material costs by type of construction. According to ICBO estimates, the average per-square-foot cost for “good” quality housing is approximately \$95 for multi-family housing and \$107 for single-family homes in California. Estimates are based on “good” quality Type V, wood-frame construction, providing materials and fixtures well above the minimum required by State and local building codes.

Historically, labor costs are relatively stable and fixed in comparison to land and improvement costs. However, in January 2002, Senate Bill 975 expanded the definition of public works and the application of the State’s prevailing wage requirements to such projects. It also expanded the definition of what constitutes public funds and captured significantly more projects beyond just public works (such as housing) that involve public/private partnerships. Except for self-help projects under SB972, the recently passed SB 975 requires payment of prevailing wages for most private projects constructed under an agreement with a public agency providing assistance to the project. As a result, the prevailing wage requirement substantially increases the cost of affordable housing construction.

Mitigating Opportunities

Both construction and labor costs are similar throughout the region. While these costs add to the overall cost of housing, they do not pose an actual constraint to housing development in Carlsbad. Nevertheless, the City offers a number of incentives and assistance to help reduce the cost of construction for affordable housing. These include: density bonus, and direct financing assistance using CDBG/HOME Housing Reserve Fund, Housing Trust Fund, and redevelopment housing set-aside fund.

Home Financing

Although interest rates have stabilized at relatively low levels over the past few years, they still have a substantial impact on housing costs for purchasers. An additional obstacle for homebuyers continues to be the downpayment required by lending institutions. These factors often affect demand for ownership housing, driving up or depressing housing prices.

Under the Home Mortgage Disclosure Act (HMDA), lending institutions must disclose information on the disposition of loan applications by the income, gender, and race of the applicants. This applies to all loan applications for home purchases and improvements, whether financed at market rate or through government-backed programs. The primary concern in a review of lending activity is to see whether home financing is generally available to all income groups in the community.

Conventional Lending

Overall, 4,198 households applied for mortgage loans for homes in Carlsbad in 2003 (**Table 4-2**). Of the applications for conventional mortgage loans, approximately 70.9 percent were originated (approved by the lenders and accepted by the applicants). The overall denial rate was 9.3 percent, while 19.7 percent of the applications were withdrawn, closed for incompleteness, or received approval, but the applicant did not accept the loan.

Among households that applied for home purchase loans in 2003, 691 were low and moderate income. Low and moderate income applicants had only slightly higher denial rates compared to above moderate income applicants.

Among the 268 applications for home improvement loans in 2003, 47 percent were originated, 25 percent were denied, and 28 percent were withdrawn, closed for incompleteness, or received approval, but the applicant did not accept the loan. Denial rates among low and moderate income applicants were significantly higher than rates for above moderate income households. Most likely, lower and moderate income households had high debt-to-income ratios to qualify for a second loan for home improvements.

Table 4-2
Disposition of Home Purchase and
Home Improvement Loan Applications

Applicant Income	Home Purchase Loans				Home Improvement Loans			
	Total Apps.	% Orig.	% Denied	% Other*	Total Apps.	% Orig.	% Denied	% Other*
Low Income (<80% MFI)	178	69.4	11.9	18.7	31	35.4	38.7	25.8
Moderate Income (80 to 120% MFI)	513	66.9	11.3	21.8	56	42.9	32.1	25.0
Above Moderate (>120% MFI)	3,320	72.5	8.5	19	178	51.1	20.2	28.7
Not Available	187	56.7	16	27.2	3	33.3	0	66.6
Total	4,198	70.9	9.3	19.7	268	47.4	24.6	28

Source: Home Mortgage Disclosure Act (HMDA), 2003.

Notes:

*"Other" includes applications approved but not accepted, files closed for incompleteness, and applications withdrawn.

Government-Backed Lending

In addition to conventional mortgages, HMDA (Home Mortgage Disclosure Act) tracks loans for government-backed financing (e.g. FHA, VA, or FSA/RHS).¹ However, home prices in Carlsbad often exceed the maximum home values established by these government-backed programs. In 2003, only 21 households applied for government-backed home mortgage loans for properties in Carlsbad. Of these applications, 62 percent were originated (approved by the lenders and accepted by the applicants), 19 percent were denied, and 19 percent were withdrawn, closed for incompleteness, or received approval, but the loan was not accepted by the applicant. Only one application for a government-backed home improvement loan was processed in 2003 and the loan was originated.

Mitigating Opportunities

Results of the HMDA analysis indicate a gap in the availability of home financing for lower and moderate income households, particularly for rehabilitation financing. The City will continue to offer a range of homebuyer assistance, as well as rehabilitation assistance programs for lower and moderate income households.

B. Government Constraints

Local policies and regulations can affect the price and availability of housing. Land use controls, growth management program, development standards, site improvements, fees and exactions, permit processing procedures, and other issues may present potential and actual constraints to the maintenance, development, and improvement of housing.

Land Use Controls

The Land Use Element of the Carlsbad General Plan sets forth policies for guiding local development. The distribution of land use designations within the City are based on several geographical and locational constraints. These constraints include: McClellan/Palomar Airport, San Diego Gas & Electric power plant, Encina wastewater treatment plant, regional commercial areas along Interstate 5 and Highway 78, open space reserves, habitat, beaches and lagoons, as well as the City's overall mesa/canyon topography. The airport, power plant and wastewater treatment plant preclude residential development in close proximity due to potential public health and safety concerns. The natural constraints such as hilly topography, beaches and lagoons also limit the extent and density of residential uses.

¹ Government-backed financing includes those backed by the Department of Veteran Affairs (VA), Federal Housing Administration (FHA), and Farm Service Agency/Rural Housing Services (FSA/RHS). Downpayment assistance, silent second, and other mortgage assistance programs offered by local jurisdictions are not tracked by HMDA.

Constraints and Mitigating Opportunities

Carlsbad's Land Use Element establishes five residential designations ranging in density from 1.0 dwelling unit per acre to 23.0 dwelling units per acre (**Table 4-3**). These designations apply to properties outside the Village Redevelopment Area. As discussed later under the Growth Management Plan, the Growth Control Point represents the residential cap invoked by Carlsbad's Growth Management Program. Certain findings regarding the provision of adequate facilities and the densities of neighboring developments must be made to exceed the Growth Control Point density cap.

Table 4-3
Land Use Designations and Implementing Zones

Land Use Designation	Allowed Density (du/ac)	Growth Control Point (du/ac)	Implementing Zone
RL- Residential Low Density	0.0 - 1.5	1.0	R-1, R-A, PC, RMHP
RLM - Residential Low Medium Density	0.0 - 4.0	3.2	R-1, R-A, PC, RMHP
RM - Residential Medium Density	4.0 - 8.0	6.0	R-1, R-2, RD-M, PC, RMHP
RMH - Residential Medium High Density	8.0 - 15.0	11.5	R-3, RD-M, PC, RMHP, R-P
RH - Residential High Density	15.0 - 23.0	19.0	R,3, RD-M, PC, RMHP, R-P, R-W

Source: Carlsbad General Plan, Amended September 13, 2005.

In the Village Redevelopment Area, Carlsbad has applied another, separate land use designation, V – Village. This designation permits both residential and non-residential uses, and the established density ranges are 15.0 to 23.0 and 15.0 to 35.0 dwelling units per acre. While no Growth Management Control Point has been established for Village residential development, all residential units approved in the Village must be withdrawn from the Excess Dwelling Unit Bank, which is a part of the Growth Management Plan discussed below.

Growth Management Plan

In the mid-1980s, Carlsbad experienced a construction boom. Growth rates exceeded ten percent and developers completed the most homes in the City's history – 2,612 – in 1986. Further, Carlsbad's General Plan established a residential capacity exceeding 100,000 units, which potentially meant over 80,000 more homes could be built. With the above in mind, residents expressed concern over the loss of small town identity, disappearance of open space, and potential for growth to outstrip public facilities and services.

Aware that development was creating public facility impacts to the community, the City began working on its Growth Management Program. Among the first action taken was reduction of the General Plan's residential capacity by approximately one-half in 1985. Subsequent actions included the adoption of a series of interim ordinances to restrict development while the formal Growth Management Program was finalized. In 1986, Carlsbad adopted a Citywide

Facilities and Improvements Plan that established much of the foundational aspects of the program. That year, the program was permanently enacted by ordinance.

Also in 1986, Carlsbad voters passed Proposition E, which ratified the City's Growth Management Plan. This program imposed very specific facility improvement and/or fee requirements for all new development and "locked in" the residential density controls which were already part of the program. The program divided the City into four quadrants and established a dwelling unit cap per quadrant. The cap for the entire City is 54,600 units, although the individual quadrant caps cannot be exceeded without approval from Carlsbad voters. The caps are further discussed below.

The Growth Management Program ensures that adequate public facilities and services are guaranteed at all times as growth occurs. This program establishes performance standards for eleven public facilities. The eleven public facilities addressed are city administration, library, waste-water treatment, parks, drainage, circulation, fire, open space, schools, sewer collection, and water distribution. The program requires that the appropriate public facilities must be available in conformance with the adopted performance standards in an area when new development occurs. Unless each of these eleven public facility standards has been complied with, no new development can occur.

Compliance with the Growth Management Program is planned for and provided through a three-tiered or phased planning process:

- *Citywide Facilities and Improvements Plan*, which adopted eleven public facility performance standards, defined the boundaries of twenty-five local facility management zones, and detailed existing public facilities and projected the ultimate public facility needs.
- *Local Facilities Management Plans* are prepared in each of the twenty-five zones and implement the provisions of the Growth Management Program. These plans phase all development and public facilities needs in accordance with the adopted performance standards, provide a detailed financing mechanism to ensure public facilities can be provided, are reviewed by City staff for accuracy, and are approved by the City Council after a public hearing.
- *Individual Projects* must comply with the provisions of the Local Facilities Management Plans, as well as implement provisions of the Citywide plan. The third phase of the program includes the review of individual projects to ensure compliance with all performance standards prior to the approval of any development permits.

The 1986 Citywide Facilities and Improvements Plan estimated the number of dwelling units that could be built as a result of the application of the General

Plan density ranges to individual projects. For the entire City at buildout, the estimate was 54,600 dwelling units or an estimated population of 135,000.

The purpose of this estimate was to provide an approximate ultimate number of future dwelling units and population citywide and for each quadrant for facility planning purposes. The City's Capital Improvement Plan, Growth Management Plan, and public facilities plans are all based on this estimate. To ensure that all necessary public facilities will be available concurrent with the need to serve new development, it was necessary to set a limit on the number of future residential dwelling units which can be constructed in the City based on the estimate.

The City determined the maximum number of future dwelling units which could be constructed in the four quadrants. The axis of the four quadrants is the intersection of El Camino Real and Palomar Airport Road. The maximum number of future dwelling units which may be constructed or approved in each quadrant after November 4, 1986, is as follows: Northwest Quadrant - 5,844 units; Northeast Quadrant - 6,166 units; Southwest Quadrant - 10,667 units; Southwest Quadrant - 10,801 units.

When the Growth Management Program was ratified by Carlsbad citizens through an initiative, the voters mandated that the City not approve any General Plan amendment, zone change, tentative subdivision map or other discretionary approval which could result in future residential development above the limit in any quadrant. This mandate will remain in effect unless changed by a majority vote of the Carlsbad electorate.

Growth Control Point

Before Proposition E was drafted in 1986, one major concern was how best to link development to the provision of public facilities and also assure that once the facilities were installed subsequent development would not exceed their capacities. When Proposition E was drafted, it created for each residential general plan designation a "Growth Management Control Point" (GMCP) at approximately the mid-point of the associated density range.

Per the Growth Management Program, the GMCP identified for each land use designation in **Table 4-3** represents a specific density (dwelling units per acre) to ensure residential development does not exceed the dwelling unit caps established for each quadrant. A development may not exceed the Growth Control Point unless the following three findings can be made:

- The project will provide sufficient public facilities for the density in excess of the control point to ensure that the adequacy for the City's public facilities plans will not be adversely impacted;
- There have been sufficient developments approved in the quadrant at densities below the control point to cover the units in the project above

- the control point so that approval will not result in exceeding the quadrant limit; and
- All necessary public facilities required by the Growth Management Ordinance will be constructed or are guaranteed to be constructed concurrently with the need for them created by the development and in compliance with adopted City standards.

The 2005-2010 Housing Element contains programs discussed in Section 3 that propose densities exceeding the GMCP. In some cases, the proposed densities also exceed the allowed density range for the RH land use designation as listed in Table 4-3 above. The density ranges for the RH and the other land use designations in the table are contained in the Growth Management Program. The RH designation establishes the highest density range in Carlsbad.

New Housing Element programs propose a minimum density of 12 units per acre in the RMH land use designation and 20 units per acre in the RH designation. These are 0.5 and 1 unit above their respective GMCP. Both proposed minimum densities are under the maximum density of 15 units per acre for the RMH and 23 units per acre for the RH General Plan designations. As with any project that exceeds the GMCP, the General Plan amendments necessary to approve these increased minimum densities must demonstrate compliance with the three findings above. The increased minimum densities would require a bank withdrawal of no more than 25 units. As discussed and shown in table 4-4 below, this and other withdrawal proposed as part of this Housing Element would not exceed the available bank balance.

Section 3 also discusses planned densities in the proposed Barrio and Village Redevelopment areas that exceed the RH designation's maximum density of 23 units per acre. The minimum density proposed for the Barrio Area is either 12 or 28 units per acre, depending on location; the minimum density proposed in the Village is either 18 or 28 units per acre, depending on the land use district. The Growth Management Program does not prohibit densities which exceed the maximum of the RH designation; instead the program requires the findings above to be made.

In this regard, recent changes to the Village Redevelopment Area development standards permitted a maximum density of 35 units per acre. Approval of these changes includes the determination that future development would remain consistent with growth projections and that no significant improvements would be required to public infrastructure. A similar analysis will be required as part of the planning to be done for the Barrio Area. Because densities planned for the Barrio Area exceed those that currently exist, units will need to be withdrawn from the Excess Dwelling Unit Bank, discussed in the following section.

Excess Dwelling Units

To ensure dwelling unit caps are not exceeded, Carlsbad developed a tracking system to account for projects approved both below and above the GMCP.

Constraints and Mitigating Opportunities

Projects that have developed below the GMCP, for example, generate “excess dwelling units” that are deposited into an “excess dwelling unit bank” that is maintained by quadrant. Likewise, proposals approved above the GMCP withdraw these excess units from the bank. As long as the specific unit withdrawal will not exceed the quadrant cap, projects are able to withdraw from the bank regardless of their quadrant location.

On February 6, 1990, the City Council established Council Policy Statement 43 to set out the procedures and policies regarding withdrawals from and the usage of dwelling units from the Excess Dwelling Unit Bank. On December 17, 2002, the City Council amended Policy Statement 43 to:

- Reduce the number of accumulated excess dwelling units available citywide at the time from 5,985 to 2,800;
- Authorize withdrawals from the bank to be utilized in "qualifying" projects anywhere within the city; and
- Establish that "qualifying" projects were limited to the following types of development proposals:
 - Projects that include a request for a density bonus;
 - Housing for lower or moderate-income families;
 - Senior housing;
 - Housing located within either of the City's two Redevelopment Project Areas, which includes the Village;
 - Transit-oriented/"smart growth" developments;
 - Conversions of general plan land use designations from non-residential to residential; and
 - Single-family developments, in infill-areas, under stipulated conditions.

The proposals identified in Section 3 to meet the City’s remaining Regional Housing Needs Assessment (RHNA) can be considered “qualifying” projects and thus eligible to withdraw units from the bank. This is because they propose densities appropriate for lower and moderate-income families, are located in the City’s redevelopment areas, and are located in smart growth or transit-oriented areas such as the proposed Barrio Area or Quarry Creek. Moreover, by limiting bank withdrawals to only qualifying projects and establishing criteria that favors higher density housing, availability of excess dwelling units for programs proposed in this Housing Element is a reasonable assumption.

Just as it removed units from the bank, the City Council also has the ability at any time to add units to the bank should it become necessary or desirable. The addition of units to the bank could equal the approximately 3,100 units removed in 2002 or some other quantity as long as that added amount did not cause the overall cap of 54,600 units to be exceeded.

Deposits and withdrawals to the Excess Dwelling Unit Bank and the number of existing and future units in each quadrant are monitored monthly. This information may be obtained from the City’s website at

<http://www.carlsbadca.gov/pdfdoc.html?pid=488>. The following projects approved over the past five years provide a good representation of the developments that have both contributed units to and received units from the bank:

- *Smith-Walsh* – A 2002 approval to change the General Plan designation from commercial to residential on approximately 5 acre property. This required a bank withdrawal of 30 units.
- *Cantarini/Holly Springs* – This large residential project, approved in 2004, deposited 374 units into the Northeast Quadrant bank. Cantarini/Holly Springs is environmentally constrained by habitat and topography and features significant natural open space and did not realize the full unit yield allowed by the project's then-General Plan designation.
- *The Bluffs* – Another 2004 approval, The Bluffs withdrew 17 units from the Northeast Quadrant bank to accommodate a density increase from 11.5 (the GMCP) to 14.6 units per acre. The Bluffs features ten condominiums affordable to very low income families.
- *State Street Mixed Use* – Because of its location in the Village Redevelopment Area, a withdrawal of six units was necessary for this project, which was approved in 2006.
- *Aura Circle* – This project, approved in 2007, contributed 12 units to the bank. An eleven lot single-family subdivision, over 80% of the 15 acre project site was set aside as habitat preserve. The General Plan designation for the property allowed 23 units.
- *Robertson Ranch* – This 2006 project required a withdrawal from the Northeast Quadrant bank of 171 units. A large master planned community, Robertson Ranch, now under construction, will feature over 1,100 units. The withdraw of bank units enabled over 500 units to be approved at densities exceeding the GMCP; as reported in Section 3, 465 were approved between 20 and 22.3 dwelling units per acre (du/ac), exceeding the GMCP of 19 du/ac; and 84 were approved at 12.4 du/ac, exceeding the GMCP of 11.5 du/ac.
- *Second Dwelling Units* – Individuals proposing to construct second dwelling units on their already developed properties must receive a unit withdrawal from the bank. Since 2003, 45 units have been withdrawn from the bank for this purpose.

As the above list demonstrates, developments throughout Carlsbad have withdrawn and deposited units into the Excess Dwelling Unit Bank and been constructed below and above the Growth Management Control Point. In the past, this has been primarily due to housing market conditions, including the desirability of building low density projects. Other reasons for developing below the Growth Control Point include environmental constraints, such as topography and sensitive habitat. However, approving densities below the Growth Control Point is now more difficult due to Government Code Section 65863, which incorporates state legislation (SB 2292) passed in 2004. More details about this law may be found in the section below on mitigating opportunities.

Mitigating Opportunities

As of December 1, 2008, the Excess Dwelling Unit Bank had a balance of 2,971 units. This number has changed little in the past year; in January 2008, the bank balance was 2,967. Overall, from January 2003 through December 2008, 349 units have been withdrawn from the bank and 520 units deposited. The previous section of the Housing Element, Housing Resources, indicates that the City has a remaining Regional Housing Needs Assessment (RHNA) of 3,566 units, including 2,395 units for lower income households and 1,171 units for moderate income households. In the past, the City has relied on withdrawals from the Excess Dwelling Unit Bank to facilitate the development of housing affordable to lower income households.

Tables 3-4, 3-6, 3-7, 3-9 and 3-10 identify proposed residential and mixed use sites and developments that could help accommodate the City's remaining lower and moderate income RHNA. Additionally, some of the sites listed in the tables would need the approval of General Plan Amendments and other planning document changes to re-designate the sites to allow residential uses or establish a higher residential density. Some of these identified sites currently allow for a maximum number of dwelling units (see "Dwelling Units Permitted" column in **Table 4-4**) based upon their site acreage multiplied by the Growth Control Point of the existing land use designation and less any existing units. Other identified sites currently do not permit residential uses, such as shopping center sites, or do not have any specific densities assigned to them for Growth Management Program compliance purposes, such as properties in the Village. Any dwelling units proposed above what is currently permitted would need to be withdrawn from the Excess Dwelling Unit Bank.

The City has a remaining RHNA of 3,566 lower and moderate income units. The identified sites, based on current Growth Control Point densities, allow for the development of 742 of the City's remaining lower and moderate income RHNA. The balance of the remaining lower and moderate income RHNA units (2,824 units) would need to be withdrawn from the Excess Dwelling Unit Bank. The existing 2,971 units in the Excess Dwelling Unit Bank (as of December 2008) are adequate to address the City need for lower and moderate income housing.

**Table 4-4
Dwelling Units Permitted on Vacant and Underutilized Residential
and Mixed Use Sites and Recently Approved Projects Based on Current
Growth Control Points**

Property	APN	Dwelling Units Permitted
Bridges at Aviara	Portions of 215-050-44 and 47	22
La Costa Town Square (proposed RH parcel)	223-060-31	0
Ponto	216-140-17	0
Quarry Creek	Portions of 167-040-21	165
Vacant Unentitled RH Land	Various	224
Underutilized RH sites	Various	68
Second Dwelling Units	Various	0
Village Redevelopment Area	Various	0
La Costa Town Square (Commercial Mixed Use proposal)	Portion of 223-060-32	0
Commercial Mixed Use Ponto	Portion of 216-140-18	0
Vacant Unentitled RMH Land	Various	91
Underutilized RMH Land	Various	96
Shopping Center Mixed Use	Various	0
Proposed Barrio Area	Various	70
Recently Approved Projects with Affordable Housing (Harding Street Senior Project) ¹	204-192-12	6
Total		742

Notes:

¹ These projects are found in Table 3-11. Of the three projects identified in Table 3-11, only the Harding Street Project is counted in this Table 4-4. For purposes of this Housing Element, all 15 affordable units in the Harding Street project have been withdrawn from the Excess Dwelling Unit Bank. Overall, the project requires a 44 unit bank withdrawal when also factoring in its market rate units.

The other two projects in Table 3-11, Lumiere and Roosevelt Street, do not require additional bank withdrawals. The Lumiere project is part of the Village Redevelopment Area (already counted above) and the Roosevelt Street project rehabilitates existing units and thus requires no units from the Excess Dwelling Unit Bank.

In addition to ensuring adequate units exist in the Excess Dwelling Unit Bank, it is also necessary to verify that the identified sites do not cause the dwelling unit caps of each quadrant to be exceeded. **Table 4-5** provides this analysis to demonstrate that quadrant caps will not be exceeded. In the "Identified Sites" column, reported are the number of units that would be withdrawn from the Excess Dwelling Unit Bank and that are in addition to any units already permitted on the sites by existing General Plan designations and densities, as identified in Table 4-4. As shown below, since per quadrant totals under "Identified Sites" are fewer than the per quadrant totals under "Future Units," each quadrant has sufficient capacity to accommodate proposed Housing Element programs, as indicated by the per quadrant totals under "Remaining Future Units."

Table 4-5
Analysis of Identified Sites Compared to Quadrant Dwelling Unit Caps

Quadrant	Quadrant Cap¹	Existing Units²	Future Units²	Identified Sites³	Remaining Future Units
Northwest	15,370	12,831	2,539	1,513	1,026
Northeast	9,042	5,521	3,521	362	3,159
Southwest	12,859	10,914	1,945	219	1,726
Southeast	17,328	14,010	2,318	203	2,115

Notes:

¹ Based on Proposition "E" Caps added to the existing units in 1986.

²As of December 1, 2008

³Included in totals are the 80 second dwelling units estimated to be built during the Housing Cycle. These units are divided up evenly among the four quadrants.

Government Code 65863 (Assembly Bill SB 2292)

SB 2292 prohibits local governments, with certain exceptions, from approving residential projects at a density below that used to demonstrate compliance with Housing Element law. For Carlsbad, the GMCP has been the density used to demonstrate compliance with Housing Element law. In this 2005-2010 Housing Element, compliance is demonstrated not only by the Growth Control Point but also by new minimum densities that exceed it as discussed in Section 3.

Pursuant to California Government Code Section 65863, the City shall not by administrative, quasi-judicial, or legislative action, reduce, require or permit the reduction of residential density on any parcel to a density below that which was utilized by the California Department of Housing and Community Development in determining compliance with housing element law, unless, the City makes written findings supported by substantial evidence of both of the following:

- a. The reduction is consistent with the adopted general plan, including the housing element.
- b. The remaining sites identified in the housing element are adequate to accommodate the City's share of the regional housing need pursuant to Government Code Section 65584.

If a reduction in residential density for any parcel would result in the remaining sites identified in the Housing Element not being adequate to accommodate the City's share of the regional housing need, the City may reduce the density on that parcel provided it identifies sufficient additional, adequate, and available sites with an equal or greater residential density so that there is no net loss of residential unit capacity.

The City shall be solely responsible for compliance with Government Code Section 65863, unless a project applicant requests in his or her initial application, as submitted, a density that would result in the remaining sites in the housing element not being adequate to accommodate the City's share of the

regional housing need. In that case, the City may require the project applicant to comply with Government Code Section 65863. In such cases, the findings would be made as part of the permit approval process. For the purposes of determining or requiring compliance with Government Code Section 65863, the submission of an application does not depend on the application being deemed complete or being accepted by the City.

Government Code Section 65863 does not apply to parcels that, prior to January 1, 2003, were either 1) subject to a development agreement, or 2) parcels for which an application for a subdivision map had been submitted.

It should be noted that residential projects with densities below the GMCP deposit their unused units into the Excess Dwelling Unit Bank. These excess units are available for allocation to other projects anywhere in Carlsbad. Accordingly, there is no net loss of the residential unit capacity used to determine compliance with state housing law.

Local Facility Management Plan

To facilitate effective implementation of the Growth Management Plan, the City is split into 25 different facility zones and requires the preparation of a Local Facility Management Plan (LFMP) for each zone prior to approving development in the affected zone. LFMPs have been prepared and development has occurred in all the City's zones, except for Zone 25, located in Carlsbad's north end. The Quarry Creek site, portions of which will be redesignated for RH and RMH land uses as part of a new Housing Element program, is in Zone 25. The City estimates that preparation of a city-initiated LFMP, and related general plan and zoning amendments and an environmental impact report will take two years.

Provisions for a Variety of Housing Types

Carlsbad's Zoning Ordinance accommodates a range of housing types in the community. Housing types permitted include standard single-family and multi-family housing, mobile homes, second units, mixed-use opportunities, as well as housing to meet special housing needs, such as farm labor housing, and housing for persons with disabilities. **Table 4-6** summarizes and the following text describes the types of housing permitted in each residential and commercial zone.

Table 4-6
Housing Types by Residential Zone Category

Uses	E-A	R-E	R-A	R-1	R-2	R-3	R-P	R-W	R-DM	R-T	RMHP	PC
One Family Homes	A	P	P	P	P	p ³	p ⁵	p ³	p ⁸			P
Two Family Homes					P	P	p ⁶	P	P			P
Multi-Family Housing					p ²	p ⁴	p ⁴	p ⁴	P			P
Second Units		A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹	A ¹		p ⁸
Mobile Homes	A	P	P	P	P	p ³		p ³			P	P
Large Residential Care Facility (>6 persons)						C	C ⁷					P
Small Residential Care Facility (≤6 persons)	A	P	P	P	P	P	P	P				P

Source: City of Carlsbad Municipal Code, Amended September 28, 2004.

Notes: A=Permitted Accessory Use; P=Permitted Use; C=Conditionally Permitted Use

¹ Accessory to one-family dwelling only.

² A multiple-family dwelling with a maximum of four (4) units may be erected when the side lot line of a lot abuts R-P, commercial or industrial zoned lots, but in no case shall the property consist of more than one lot, or be more than 90 feet in width.

³ One-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of September 28, 2004, and which is designated and zoned for residential use.

⁴ With approval of a Site Development Plan.

⁵ When the zone implements the RMH or RH land use designation.

⁶ When the zone implements the RMH land use designation.

⁷ When the zone implements the O land use designation.

⁸ Permitted when the zone implements the RM land use designation. Otherwise, one-family dwellings are permitted when developed as two or more detached units on one lot. Also, a single one-family dwelling shall be permitted on any legal lot that existed as of September 28, 2004, and which is designated and zoned for residential use.

Multi-Family Units

Multi-family units comprise roughly 29 percent of Carlsbad's housing stock and are permitted in six of the City's residential zones. Two-family units are permitted in the R-2, R-3, R-DM, R-W, and PC zones, while multi-family uses up to four units are permitted in the R-2 zone when the side lot line of a lot abuts R-P, commercial, or industrial zoned lots. Larger multi-family projects are permitted in the R-3, R-DM, R-W, and PC zones with approval of a Site Development Plan.

Second Units

Second dwelling units are permitted as an accessory use to a one-family dwelling in the R-E, R-A, R-1, R-2, R-3, R-P, R-W, R-DM, and R-T zones. City regulations require that if rented, second units must be rented at rates that are affordable to low income households.

Manufactured Housing and Mobile Homes

State housing law requires communities to allow manufactured housing by right on lots zoned for single-family dwellings. However, the City can regulate the architectural design of a manufactured home or mobile home. The City's current requirements for manufactured housing and mobile homes comply with State law. Mobile homes parks are also permitted in the RMHP zone.

Transitional Housing

Transitional housing is a type of housing used to facilitate the movement of homeless individuals and families to permanent housing. Transitional housing can take several forms, including group quarters with beds, single-family homes, and multi-family apartments and typically offers case management and support services to return people to independent living (usually between 6 and 24 months).

Currently, the Carlsbad Zoning Ordinance does not explicitly address transitional housing facilities. The City will amend the Zoning Ordinance to differentiate transitional housing in the form of group quarters from transitional housing as multi-family rental housing developments. For transitional housing facilities that operate as multi-family rental housing developments, such uses will be permitted by right where multi-family housing is permitted and will be subject to the same development standards.

For transitional housing facilities that operate as group quarters, such facilities will be permitted as community care residential facilities (see discussions under Licensed Community Care Facilities). Potential conditions for approval of large residential care facilities (for more than six persons) as transitional housing may include hours of operation, security, loading requirements, noise regulations, and restrictions on loitering. Conditions would be similar to those for other similar uses and would not serve to constrain the development of such facilities.

Supportive Housing

The California Health and Safety Code (50675.14 [b]) defines supportive housing as housing with no limit on length of stay that is occupied by a target population as defined in subdivision (d) of Section 53260, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Target population includes adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5, commencing with Section 4500, of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care

system, individuals exiting from institutional settings, veterans, or homeless people.

Similar to transitional housing, supportive housing can take several forms, including group quarters with beds, single-family homes, and multi-family apartments. Supportive housing usually includes a service component either on- or off-site to assist the tenants in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

The Carlsbad Zoning Ordinance does not currently address the provision of supportive housing. The Zoning Ordinance will be amended to differentiate supportive housing in the form of group quarters from multi-family rental housing developments. For supportive housing facilities that operate as multi-family rental housing developments, such uses will be permitted by right where multi-family housing is permitted and will be subject to the same development standards.

For supportive housing facilities that operate as group quarters, such facilities will be permitted as residential care facilities. Potential conditions for approval of supportive housing for more than six persons may include hours of operation, security, loading requirements, noise regulations, and restrictions on loitering. Conditions would be similar to those for other similar uses and would not serve to constrain the development of such facilities.

Emergency Shelters

An emergency shelter is a facility that houses homeless persons on a limited short-term basis. The Zoning Ordinance does not currently reference emergency shelters directly, although churches may provide temporary shelter.

In 2008, the City awarded a \$2 million grant from collected Agriculture Conversion Mitigation Fees (see Section 3 for more information) to Catholic Charities to rebuild and expand the current year-round La Posada de Guadalupe homeless shelter to provide farmworker housing. Following reconstruction, this facility will feature 50-72 beds for farmworkers in addition to the 50-beds that currently serve farmworkers and homeless men. Additionally, the City's funding grant stipulated that the farmworker portion of Catholic Charities proposed shelter expansion be converted to accommodate homeless persons, including families, should agriculture in Carlsbad ever diminish to the point that farmworker housing is unnecessary.

In addition to serving as the site of an existing 50-bed farmworker and homeless shelter, the City also participates in regional homeless programs. Most recently, Carlsbad supported through funding the multi-jurisdictional North County Regional Winter Shelter Program. One of the shelters that is part of this Program is La Posada de Guadalupe. Carlsbad is also served by other homeless shelters and programs as identified in Table 2-11.

In compliance with SB 2, this Housing Element has included a program to permit emergency shelters by right in the City in the Planned Industrial (P-M) and Industrial (M) zones. In some cases, for reasons explained below, it may also be necessary to amend a property's Qualified Development (Q) Overlay.

The P-M and M zones apply to most of the City's industrial and business park areas, and they are well served by major transportation and bus routes. The La Posada de Guadalupe homeless shelter discussed above is in the M Zone. Furthermore, locating these shelters in the City's industrial zones is consistent with City Council direction given in 2005.

The P-M and M zones contain over 2,000 acres of mostly developed properties in Carlsbad. Located in a corridor stretching from Avenida Encinas near the Pacific Ocean to Carlsbad's eastern boundary with San Marcos and Vista, properties in these zones are served by Palomar Airport Road and El Camino Real, two of the City's major arterials. These zones and business and industrial parks within them surround McClellan-Palomar Airport. For safety and noise reasons, uses near the airport are generally limited to low intensity, non-residential uses, such as manufacturing, warehousing, and office uses. Limited commercial uses are also located in specific areas around the airport and in the P-M and M zones to serve the business park population. These uses include business hotels, restaurants, industrial medicine clinics, as well as day-to-day support services, such as office supply stores, general medical practitioners (e.g., dentists, optometrists), barbers, and banks.

While the M and P-M zones are substantial in size and are well served by transportation and services, three constraints limit the locational choices for an emergency shelter within these zones:

- Due to the proximity of McClellan-Palomar Airport, many properties in the M and P-M zones are located in the airport's Flight Activity Zone (FAZ). The FAZs mark the primary airplane approach and departure paths, and properties within them are unsuitable for uses that allow the congregation of large groups of people, such as a movie theater, a church, or an emergency shelter.
- Many properties within the P-M Zone are governed by private conditions, covenants, and restrictions (CC&Rs). Generally, these CC&Rs prohibit residential uses of any kind.
- Some properties in the M Zone also have a Qualified Development (Q) Overlay. These overlays may impose restrictions that prohibit residential or transient uses or they may simply refer to the underlying zone (i.e., the M or P-M) for the list of allowable uses.

With the above limitations in mind, potential emergency shelter locations are available in these zones. Approximately 240 acres are unconstrained either by CC&Rs or FAZs and therefore could be considered for shelters. Approximately 100 of these acres have a Q Overlay. All such sites have a General Plan

designation of Planned Industrial (PI) or Planned Industrial/Open Space (PI/OS), the latter of which primarily recognizes the preservation of steep hillside areas next to some developed industrial areas. Furthermore, of the available sites, approximately 13.5 acres are vacant; these vacant acres are zoned P-M and do not have a Q Overlay.

As the majority (95%) of the unconstrained acreage is developed, other considerations given to determining property availability were vacancy rates for industrial and office space and whether any of the sites could be considered “underutilized.” An underutilized site may have characteristics, such as structure age or low improvement value, which may increase the likelihood for redevelopment or reuse as an emergency shelter. To determine if a site was underutilized, County Assessor’s information was reviewed to determine if any site had a land value greater than its improvement value. Based on that review, none of the unconstrained sites were determined to be underutilized.

In addition, industrial and office vacancy rates were also considered. Since 2000, Carlsbad has experienced a significant amount of non-residential construction. The majority of this construction has taken the form of industrial and office buildings in the City’s industrial and business parks, rather than in the form of commercial buildings. During the period 2000 to 2007, the City permitted over 7,000,000 square feet of new, non-residential space, most of which occurred in the M and P-M zones.

Because of the significant amount of construction, vacancy rates for both office and industrial uses are high and provide the opportunity for emergency shelters to locate in currently vacant buildings. According to an October 2, 2007, absorption study prepared by Empire Economics for the City’s consideration of Community Facilities District #3, industrial and office vacancy rates were 12.5% and 22.6%, respectively. The report noted that this was significantly higher than vacancy rates of San Diego County as a whole, which were 6.8% and 12.2% for industrial and office uses.

Additionally, these high vacancy rates do not portend a new trend. For example, a December 31, 1999, Financial Status Report prepared by the City’s Finance Department stated “the City continues to experience a relatively high vacancy rate with commercial/industrial sites within the area due to a high development rate in previous fiscal years.” The report also discussed the lack of finished industrial land in Carlsbad, which was soon remedied by the significant non-residential construction that took place beginning in 2000 and that continues today.

Carlsbad believes high vacancy rates will continue at least through the remainder of the current Housing Element cycle, thereby providing increased opportunities for homeless shelters to locate in the City. For example, a July 19, 2008, San Diego Union Tribune article accessed on SignOnSanDiego.com, and entitled “16% office vacancy rates seen in County,” reported vacancy rates for Carlsbad office space at 24%.

Additionally, large projects in the City's industrial and business park corridor, such as Bressi Ranch and the Carlsbad Forum and Raceway projects, still have a number of vacant lots. Carlsbad Oaks North, a very large business park development situated east of the airport, has yet to see any building construction. According to its environmental impact report, Carlsbad Oaks North has the potential to add nearly 2,000,000 square feet of industrial and office space.

Overall, the City's Finance Department estimates that vacant, non-residential acreage in Carlsbad should remain available for construction through 2015. While these projects are identified to help underscore the likelihood of high vacancy rates over at least the next few years, it should be noted that by and large these projects are not suitable as sites for emergency shelters because of restrictions imposed by FAZs and CC&Rs.

Emergency shelters will be subject to the same development standards applied to other development in the zone in which they are to be permitted. Furthermore, pursuant to State law, the City may establish objective development standards to regulate the following:

- The maximum number of beds/persons permitted to be served nightly;
- Off-street parking based on demonstrated need, but not to exceed parking requirements for other residential or commercial uses in the same zone;
- The size/location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting; and
- Security during hours that the emergency shelter is in operation.

Furthermore, as with all uses locating in the P-M or M zones, siting an emergency shelter will require consideration be given to the presence of surrounding industrial uses that may employ chemicals or hazardous materials or procedures that could pose a threat. Such surrounding uses may render a potential emergency shelter location as unsuitable or may require additional building requirements. It is not possible to determine if such conditions exist until a specific site is identified.

In addition, the City will provide financial support to regional emergency shelter programs.

Farm Labor Housing

The City permits agricultural use as a permitted use in many zones, including:

Constraints and Mitigating Opportunities

- Exclusive Agricultural (E-A)
- Residential Agricultural (R-A)
- Rural Residential Estate (R-E)
- One-Family Residential (R-1)
- Two-Family Residential (R-2)
- Multiple-Family Residential (R-3)
- Open Space (O-S)

While the City has established a zoning district of Exclusive Agricultural (E-A), only three, small scattered properties are zoned E-A.

Pursuant to the State Employee Housing Act (Section 17000 of the Health and Safety Code), employee housing for agricultural workers consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household is permitted by right in an agricultural land use designation. Therefore, for properties that permit agricultural uses by right, a local jurisdiction may not treat employee housing that meets the above criteria any differently than an agricultural use.

Furthermore, any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation, according to the Employee Housing Act. Employee housing for six or fewer persons is permitted where a single-family residence is permitted. No conditional or special use permit or variance is required.

In 2004, the City amended the Zoning Ordinance to conditionally permit farm labor housing for more than 12 persons in a group quarters or 12 units/spaces for households in the E-A, R-P, O, C-1, C-2, C-T, C-M, M, P-M, P-U, O-S, C-F and C-L zones. The Zoning Ordinance will be amended again to reflect changes to State Employee Housing Act regarding by right farm labor housing.

Alternative Housing

Recent state legislation requires housing elements to identify zoning to encourage and facilitate housing for extremely low income households, including single-room occupancy units (SROs). Currently, SROs are provisionally or conditionally permitted as “Managed Living Units” in specific land use districts of the City’s Village Redevelopment Area. A Managed Living Unit ordinance has been drafted. The draft ordinance defines managed living unit as a “guest room within a Managed Living Unit project which is designed and intended for transient occupancy of daily, weekly or longer tenancy or permanent residency, providing sleeping or living facilities for one or two persons, in which a full bathroom and a partial kitchen are provided.” The Housing Element includes a program to pursue adoption of the Managed Living Units Ordinance to conditionally permit such housing in the Village Area. The conditions for approval will focus on performance standards such as parking, security, management, and site design to ensure such housing is well integrated into the

surrounding uses. Development standards for SROs will be similar to efficiency or studio units in order to facilitate and encourage the development of such housing as a viable option for lower income persons.

Licensed Community Care Facilities

The California Health and Safety Code requires that certain community care facilities serving six or fewer persons be permitted by right in residential zones. Moreover, such facilities cannot be subject to requirements (development standards, fees, etc) more stringent than single-family homes in the same district. The Carlsbad Zoning Ordinance states that residents and operators of a residential care facility serving six or fewer persons are considered a "family" for purposes of any zoning regulation relating to residential use of such facilities. Therefore, small residential care facilities are permitted under the same conditions and in the same locations as one-family, two-family, and multiple-family dwellings. Residential care facilities serving more than six persons are conditionally permitted in the R-3, R-D-M and C-2 zones and the R-P zone when that zone implements the RMH or RH land use designation.

The City has no distance requirements for residential care facilities. Conditions for approval relate to setback and parking requirements, compatibility with surrounding uses, ingress/egress, consistency with the General Plan and other City plans, requirements by the City's Fire Department, and compliance with State Department of Social Services licensing requirements. Furthermore, the Zoning Ordinance provides that on appeal, the City Council may modify these requirements provided that the modifications would not impact the health and safety of the residents. The City's conditions for approval have not served to constrain the development of residential care facilities in Carlsbad. According to the State Department of Social Services Licensing Division, 29 licensed residential care facilities for elderly and adult are located in Carlsbad. Among these facilities, one-third (10 facilities) are larger than six beds. These ten larger facilities total over 2,000 beds.

Housing for Persons with Disabilities

The State Housing Element law requires a jurisdiction review its policies and regulations regarding housing for persons with disabilities.

Zoning and Land Use: The City of Carlsbad complies with the State law regarding small licensed community care facilities for six and fewer persons. Facilities serving more than six persons are conditionally permitted in the R-3, R-D-M, C-2 and R-P zones (see discussion above under "Licensed Community Care Facilities").

Furthermore, the Carlsbad Zoning Ordinance provides for the development of multi-family housing in the R-2, R-3, R-P, R-W, R-DM, and P-C (as provided through master plans) zones. Regular multi-family housing for persons with special needs, such as apartments for seniors and the disabled, are considered

regular residential uses permitted by right in these zones. The City's land use policies and zoning provisions do not constrain the development of such housing.

Definition of Family: Local governments may restrict access to housing for households failing to qualify as a "family" by the definition specified in the Zoning Ordinance. Specifically, a restrictive definition of "family" that limits the number of and differentiates between related and unrelated individuals living together may illegally limit the development and siting of group homes for persons with disabilities but not for housing families that are similarly sized or situated.²

The City of Carlsbad Zoning Ordinance defines a "family" as "a reasonable number of persons who constitute a bona fide single housekeeping unit. Residents and operators of a residential care facility serving six or fewer persons shall be considered a family for purposes of any zoning regulation relating to residential use of such facilities." However, since the Zoning Ordinance does not differentiate between related and unrelated individuals nor does it specify the number of persons to be considered reasonable, this definition is not considered restrictive nor does it present a constraint to housing for persons with disabilities. Nevertheless, the City will remove the definition of family from its Zoning Ordinance.

Building Codes: The City enforces Title 24 of the California Code of Regulations that regulates the access and adaptability of buildings to accommodate persons with disabilities. No unique restrictions are in place that would constrain the development of housing for persons with disabilities. Compliance with provisions of the Code of Regulations, California Building Standards Code, and federal Americans with Disabilities Act (ADA) is assessed and enforced by the Building Department as a part of the building permit submittal.

Reasonable Accommodation Procedure: Both the Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and access housing.

Requests for reasonable accommodations with regard to zoning, permit processing, and building codes are reviewed and processed by either the Planning or Building Department on a case-by-case basis, depending on the

² California court cases (City of Santa Barbara v. Adamson, 1980 and City of Chula Vista v. Pagard, 1981, etc.) have ruled an ordinance as invalid if it defines a "family" as (a) an individual; (b) two or more persons related by blood, marriage, or adoption; or (c) a group of not more than a specific number of unrelated persons as a single housekeeping unit. These cases have explained that defining a family in a manner that distinguishes between blood-related and non-blood related individuals does not serve any legitimate or useful objective or purpose recognized under the zoning and land use planning powers of a municipality, and therefore violates rights of privacy under the California Constitution.

nature of the requests. However, the City does not have a formal procedure for processing requests for reasonable accommodation.

Mitigating Opportunities

The City recognizes the importance of providing a variety of housing to meet the varied needs of its residents. The City will amend its Zoning Ordinance to address the following types of housing:

- **Emergency Shelters, Transitional Housing, and Supportive Housing:**
 - The City will amend the Zoning Ordinance to permit emergency shelters by right in a specified zone.
 - The City will amend the Zoning Ordinance to clearly define the transitional housing and supportive housing. When such housing is developed as group quarters, they should be permitted as residential care facilities. When operated as regular multi-family rental housing, transitional and supportive housing should be permitted as permitted by right as multi-family residential use in multi-family zones.
 - The City shall continue its participation annually and financially in regional programs, such as the North County Regional Winter Shelter Program, which utilizes the La Posada de Guadalupe men's homeless/farmworker shelter in Carlsbad and other emergency shelters to provide emergency shelter in the local area.
- **Farmworker Housing:** To comply with Health and Safety Code Section 17021.6, the City will amend the Zoning Ordinance to permit by right farmworker housing of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single-family or household on properties where agricultural uses are permitted.
- **Managed Living Units:** The City will adopt an ordinance to conditionally permit and establish standards for managed living units in certain land use districts of the Village Redevelopment Area.
- **Reasonable Accommodation Procedure:** In addition, the City will adopt an ordinance to establish a formal policy on reasonable accommodation. The ordinance will specify the types of requests that may be considered reasonable accommodation, the procedure and reviewing/approval bodies for the requests, and waivers that the City may offer to facilitate the development and rehabilitation of housing for persons with disabilities.

Residential Development Standards

Carlsbad regulates the type, location, appearance, and scale of residential development primarily through the Zoning Ordinance. Zoning regulations are designed to maintain the quality of neighborhoods, protect the health, safety,

and general welfare of the community, and implement the policies of the City's General Plan. **Table 4-7** summarizes the residential development standards in Carlsbad.

**Table 4-7
Basic Residential Development Standards**

Characteristic of Lot, Location & Height	R-E	R-A	R-1	R-2	R-3	RD-M	R-W	R-T	R-P	RMHP
Minimum Net Lot Area (in square feet)	43,560 (1 acre)	7,500- 21,780	6,000- 21,780	6,000- 7,500	7,500	6,000- 10,000	5,000	7,500	7,500	3,000- 3,500
Density Ranges (in du/ acre)	0-1.5	0-4	0-8	4-8	8-23	4-23	15-23	—	8-23	—
Minimum Lot Width (feet)	300'	60'-80'	60'-80'	60'-80'	50'-60'	60'	40'	—	60'-80'	50'
Maximum Lot Coverage	20%	40%	40%	50%	60%	60%	75%	—	60%	75%
Minimum Setbacks (feet)										
Front	70'	20'	20'	20'	20'	10'-20'	10'	20'	20'	5'
Side	15'-50'	5'-10'	5'-10'	5'-10'	5'-10'	5'-10'	4'-8'	5'-10'	5'-10'	3'
Rear	--	--	10'-20'	10'-20'	10'-20'	10'	8'	20'	20'	3'-5'
Maximum Height (in feet)	35'	24'-35'	24'-35'	24'-35'	35'	35'	35'	35'	35'	--

Source: City of Carlsbad, 2005.

Notes:

¹For key lots and lots which side upon commercially or industrially zoned property, the minimum setback is 15 feet.

²Interior lot side yards must have a minimum setback of 10 percent of the lot width, but must be within 5 to 10 feet. Corner lot side yards facing the street must be 10 feet and extend the length of the lot.

³A minimum of 15-foot setback permitted providing carport or garage openings do not face the front yard and a minimum of 10 feet providing carport or garage openings do not face the yard and that the remaining front yard is landscaped with a combination of flowers, shrubs, trees, and irrigated with a sprinkler system plans shall be approved by the planning director prior to issuance of a building permit for a proposed structure. Equal to 20 percent of lot width, not to exceed 20 feet.

Building Standards

Single-family home projects typically range from four units per acre in the R-A zone to eight units per acre in the R-1 zone, depending on which General Plan land use designation the zone implements, specific site conditions, and amenities provided. In addition, one unit per lot is permitted in the R-E zone.

Multi-family developments range from 4 to 23 units per acre in various zones, including the R-2, R-3, R-W or RDM zones, depending on which General Plan land use designation the zone implements, specific site conditions, and amenities provided.

The maximum height permitted in all zones is between 24 and 35 feet. Minimum lot area ranges from 3,000 square feet in the RMHP zone to 1 acre in the R-E zone. Residential developments are required to provide a reasonable amount of open space per unit; therefore, a maximum lot coverage of 40 to 60 percent of available land can be developed within each zone. Overall, the City's development standards are typical and consistent with a community that is constrained by its hilly topography.

Parking

Parking requirements in Carlsbad vary depending on housing type, based on anticipated parking needs (**Table 4-8**). The City's parking standards are the same as or lower than many communities in the San Diego region and therefore do not serve to constrain residential development.³ Furthermore, the City has a demonstrated history of making concessions (such as reduced parking requirements) in order to facilitate affordable housing development. The City has also approved reduced parking standards and increased densities to foster redevelopment in the Village Area.

³ Parking standards for the cities of Escondido, Oceanside, San Marcos, Santee, and Vista, and the County of San Diego were reviewed. These communities have adopted parking standards that are virtually the same, indicating consistent parking requirements in the region.

**Table 4-8
Parking Requirements**

Use	Parking Requirement
Standard single family dwellings in R-1, R-A, E-A and RE Zones	2 spaces per unit in a garage.
Planned Unit Developments or Condominiums	Studio: 1.5 covered spaces per unit Other units: 2.0 covered spaces per unit Guest parking: 0.5 spaces per unit (<10 units); 5 spaces plus 0.25 spaces per unit (over 10 units)
Apartments	Studio and 1-bedroom: 1.5 spaces per unit 2+Bedrooms: 2.0 spaces per unit Guest parking: 0.5 spaces per unit (<10 units) 5 spaces plus 0.25 spaces per unit (over 10 units)
Mobile homes in mobile home parks.	2.0 spaces per mobile home plus 1.0 guest space per 4 units.
Second dwelling units	1.0 space per unit.
Residential care facilities	2.0 spaces plus one guest space per three beds.
Housing for seniors	1.5 spaces per unit plus one guest space per five units.

Source: City of Carlsbad Municipal Code, 2005.

On- and Off-Site Improvements

Requirements for on- and off-site improvements vary depending on the presence of existing improvements, as well as the size and nature of the proposed development. In general, most residential areas in Carlsbad are served with existing infrastructure. Developers are responsible for all on-site improvements, including parking, landscaping, open space development, walkways, and all utility connections.

On- and off-site improvement standards are specified in the General Design Standards developed by the Public Works Department, Engineering Division. The General Design Standards covers standards for: public streets and traffic; private streets and driveways; drainage and storm drains; sewer lines; and grading and erosion controls.

The City of Carlsbad's fee structure includes some on- and off-site improvements. Off-site improvement fees include drainage and sewer facility fees, school fees, park land fees, and public facility fees, among others.

Mitigating Opportunities

Pursuant to the State density bonus law, the City offers density increases and/or in-lieu incentives in order to facilitate the development of housing affordable to lower and moderate income households. Depending on the percentage of affordable units and level of affordability, a maximum density bonus of 35 percent may be achieved. Pursuant to the City's Zoning Ordinance, incentives in-lieu of density increases may include the following:

Constraints and Mitigating Opportunities

- A reduction in site development standards or a modification of Zoning Ordinance requirements or architectural design requirements that exceed the minimum building standards approved by the State Building Standards Commission;
- Approval of mixed use zoning in conjunction with the housing development;
- Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions;
- Partial or additional density bonus;
- Subsidized or reduced planning, plan check or permit fees; and
- Direct financial aid including, but not limited to redevelopment set-aside funding, Community Development Block Grant funding, or subsidizing infrastructure, land cost or construction costs or other incentives of equivalent financial value based upon the land costs per dwelling unit.

Furthermore, developments meeting the State density bonus requirements may use the State parking standards:

- Studio and one-bedroom: 1 parking space
- Two- and three-bedroom: 2 parking spaces
- Four or more bedrooms: 2.5 parking spaces

These requirements include guest and handicapped parking.

Development Review Process

City Review

Carlsbad's review process depends on the project type and complexity, and whether a major variation in development standards, land use, or operating conditions is requested. If the proposed project involves ownership units, then either a tentative tract map or parcel map is required. If condominium ownership is proposed, then either a Planned Unit Development (PUD) permit or a Condominium (Condo) Permit is required. This PUD or Condo Permit process allows review of project design features, such as architecture, site design, landscaping, and recreation areas. Zoning Ordinance Chapter 21.45 contains the standards required for projects subject to a PUD or Condo permit; the chapter also provides the necessary approval findings and references applicable City Council policies specifying architectural and neighborhood design.

The discretionary review process for rental apartments is less onerous. Apartment projects with no more than four units are allowed by right in multi-family zones, provided they meet General Plan density thresholds. Since only a building permit is required, apartment complexes with four or fewer units provide an opportunity for infill of underutilized sites. Apartment developments with more than four units must submit a Site Development Plan (SDP) and go before the Planning Commission. The Planning Commission review of the SDP pertains only to design features of the development since the residential use is allowed by right.

According to Zoning Ordinance Section 21.53.120, SDPs are also required for rental or ownership affordable housing projects of any size. "Affordable housing" is defined in the Zoning Ordinance as "housing for which the allowable housing expenses for a for-sale or rental dwelling unit paid by a household would not exceed thirty percent of the gross monthly income for target income levels, adjusted for household size." Review of SDPs for affordable housing projects follows the timeframes discussed below. Processing of SDPs is explained in Zoning Ordinance Chapter 21.06.

As mentioned previously, review of the SDP focuses only on design features, not the residential use. An identification of these design features or development standards is listed in Section 21.53.120 (c) as follows:

- The development standards of the underlying zone and/or any applicable specific or master plan, except for affordable housing projects as expressly modified by the site development plan.
- The site development plan for affordable housing projects may allow less restrictive development standards than specified in the underlying zone or elsewhere provided that the project is consistent with all applicable policies (such as the General Plan) and ordinances
- In the coastal zone, any project requiring a SDP shall be consistent with all certified local coastal program provisions, with the exception of density.
- Through the SDP process, the Planning Commission or the City Council may impose special conditions or requirements which are more restrictive than the development standards in the underlying zone or elsewhere that include provisions for, but are not limited to the following:
 - Density of use;
 - Compatibility with surrounding properties;
 - Parking standards;
 - Setbacks, yards, active and passive open space required as part of the entitlement process, and on-site recreational facilities;
 - Height and bulk of buildings;
 - Fences and walls;
 - Signs;
 - Additional landscaping;
 - Grading, slopes and drainage;

Constraints and Mitigating Opportunities

- Time period within which the project or any phases of the project shall be completed;
- Points of ingress and egress;
- Other requirements to ensure consistency with the General Plan or other adopted documents; and
- On or off-site public improvements.

To assist applicant certainty regarding the standards that would be applied, documents such as the Zoning Ordinance and other planning requirements applicable to multi-family developments are available from the Carlsbad Planning Department via mail, email, online, or in person. Applicable provisions as well as application forms and fee information may be found on the department's website at <http://www.carlsbadca.gov/planning/index.html>.

Additionally, Zoning Ordinance Section 21.06.020 establishes the approval findings for SDPs. These findings are as follows:

1. That the requested use is properly related to the site, surroundings and environmental settings, is consistent with the various elements and objectives of the general plan, will not be detrimental to existing uses or to uses specifically permitted in the area in which the proposed use is to be located, and will not adversely impact the site, surroundings or traffic circulation;
2. That the site for the intended use is adequate in size and shape to accommodate the use;
3. That all of the yards, setbacks, walls, fences, landscaping, and other features necessary to adjust the requested use to existing or permitted future uses in the neighborhood will be provided and maintained, and;
4. That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use.

These findings, and the development standards that are applicable to multi-family development, are specific to the design of the project and its site, and the project's compatibility with its surroundings and serving infrastructure. Furthermore, they are readily available to a project applicant. Sites for high density development in the City are located according to General Plan standards to help ensure they are in locations compatible with their surroundings and appropriately located near adequate services and transportation networks.

Furthermore, Carlsbad offers the preliminary review process to potential applicants. For a reduced application fee and minimal submittal requirements, applicants will receive detailed information on the standards and processing applicable for their anticipated projects, including comments from the City's Building, Engineering, Fire, and Planning Departments.

For reference, Appendix H contains the staff report and resolutions for Carlsbad Family Housing (Cassia Heights), a recently completed 56-unit affordable apartment project. This project required a General Plan Amendment, Zone Change, Site Development Plan, and Special Use Permit. The report demonstrates the analysis, findings, and conditions applied to an affordable project.

The timeframe for processing required permits can vary, depending on the size and type of development, permits required, and approving entity (**Table 4-9**). Typical processing time for a single-family home is two to three weeks, while larger subdivisions can take 8 to 12 months (from the application date to approval date).

Table 4-9
Discretionary Reviews for Residential Projects

Type of Development	Permits Required	Approving Entity	Processing Time
Single-Family House (1 Unit)	Building Permit	Building Official	2 – 3 weeks
Single-Family Standard Subdivision (1-4 Units)	Tentative Parcel Map	City Engineer	3 – 6 months
Single-Family Small-lot Subdivision (1-4 Units)	Tent. Parcel Map PUD Permit	City Engineer Planning Director	4 – 8 months
Single-Family or Multi- family Condominiums (1-4 Units)	Tent. Parcel Map PUD Permit or Condo Permit	City Engineer Planning Director	4 – 8 months
Single-Family or Multi- family Apartments (1-4 Units)	Building Permit	Building Official	3 – 5 weeks
Single-Family Standard Subdivision (5-50 Units)	Tent. Tract Map	Planning Commission	6 – 9 months
Single-Family Small-lot Subdivision (5-50 Units)	Tent. Tract Map PUD Permit	Planning Commission	6 – 11 months
Single-Family or Multi- family Condominiums (5-50 Units)	Tent. Tract Map PUD Permit or Condo Permit	Planning Commission	6 – 11 months
Single-Family or Multi- family Apartments (5-50 Units)	Site Development Plan	Planning Commission	6 – 11 months
Single-Family Standard Subdivision (over 50 Units)	Tent. Tract Map	City Council	8 – 12 months
Single-Family Small-lot Subdivision (over 50 Units)	Tent. Tract Map PUD Permit	City Council	8 – 12 months
Single-Family or Multi- family Condominiums (over 50 Units)	Tent. Tract Map PUD Permit or Condo Permit	City Council	8 – 12 months
Single-Family or Multi- family Apartments (over 50 Units)	Site Development Plan	City Council	6 – 11 months

Source: City of Carlsbad, 2006.

California Coastal Commission

The City has obtained Coastal Development Permit jurisdiction for five of the six Local Coastal Plan (LCP) segments (excluding the Agua Hedionda Lagoon LCP) within its boundaries. Development within these five LCP segments of the coastal zone consistent with the Local Coastal Plan is not required to be reviewed by the Coastal Commission.

Proposed changes to the LCP or ordinances that implement the LCP, such as the Carlsbad Zoning Ordinance, require the filing of a LCP amendment with the Coastal Commission after all city approvals have occurred. The Coastal Commission must review and approve these changes before they become effective in the Coastal Zone. This additional review may add several months to a year or more. Since the requirement to file a LCP amendment is applicable to all jurisdictions with Coastal Zones, it is not unique to the City of Carlsbad and does not constitute an actual constraint to housing development.

San Diego Regional Airport Authority

Carlsbad is home to the McClellan-Palomar Airport, a public aviation facility. Pursuant to State law, all GPAs, Zone Code amendments, Master and Specific Plan amendments in Carlsbad must be reviewed by the San Diego County Regional Airport Authority. The SDCRA has 60 days for the review. However, the City Council has the authority to override the SDCRA review with a four-fifth vote. Since this requirement is applicable to all jurisdictions located near airports/airfields, this requirement is not unique to the City of Carlsbad and does not constitute an actual constraint to housing development.

Mitigating Opportunities

The City complies with State requirements for streamlining the permit processing procedures. In addition, the City offers priority processing for affordable housing projects, reducing the review time for discretionary permits.

Building Codes

There have been many revisions to the applicable building, electrical, plumbing, and mechanical codes since the last Housing Element Update in 1999. In 1999, the City had adopted various editions of the Uniform Building, Plumbing, Electrical, and Mechanical codes. In 2001, the State of California consolidated these codes into the California Building Standards Code, which is contained in Title 24 of the California Code of Regulations. The California Building Standards Code contains eleven parts: Electrical Code, Plumbing Code, Administrative Code, Mechanical Code, Energy Code, Elevator Safety Construction Code, Historical Building Code, Fire Code, and the Code for Building Conservation Reference Standards Code.

In the interest of increasing safety of structures and improvements, the City has adopted the 2001 edition of the California Building Code with minor amendments largely affecting buildings exceeding 35 feet in height by various building construction type. However, residential structures in the City have a maximum height limit of 35 feet and therefore, are not likely to be impacted by these amendments.

Fees and Exactions

The City of Carlsbad collects planning and development fees to cover the costs of processing permits. The City also charges impact fees to recover the cost of providing the necessary public services, infrastructure, and facilities required to serve new residential development. Carlsbad's development and permit fee schedule is presented in **Table 4-10**.

Table 4-10
Development Impact and Permit Issuance Fee Schedule

Fee Type	Fee	Fee Type	Fee
Administrative Variance	\$650	Planned Development or Condominium	
Planning	\$160	Minor (<5 units)	\$2,600
Redevelopment		Major (5-50 units)	\$7,210
Affordable Housing		Major (51+ units)	\$11,390
Impact	\$2,925/du	Sewer Connection	\$1,047
In-Lieu	\$4,515/du	Site Development Plan	
Coastal Development Permit		Minor (<4 units)	\$3,850
Single Family Lot	\$930	Major (all non-residential)	\$9,770
2-4 Lot	\$1,880	Specific Plan	\$30,100
5+ Units or Lot Subdivision	\$3,060	Tentative Tract Map	
Conditional Use Permit	\$3,870	5-49 units/lots	\$7,070
Environmental Impact Report	\$17,300	50+ units/lots	\$14,200
General Plan Amendment		Traffic Impact Fee	
0-5 Acres	\$3,680	Single Family	\$720-\$1,110/unit (in/out of CFD)
Over 5 Acres	\$5,310	Condominiums	\$560-\$856/unit (in/out of CFD)
Grading Plan Check	\$360-\$8,340 (based on cubic yards graded)	Apartments	\$420-642/unit (in/out of CFD)
Grading Permit	\$360-\$15,230 (based on cubic yards graded)	Commercial/Industrial	\$29-45/ADT
Habitat Management Plan Permit			
Minor	\$940		
Major	\$3,450		
Hillside Development Permit		Variance	
Single Family	\$1,070	Planning	\$2,440
Other	\$2,070	Redevelopment	\$360
Local Coastal Program	\$5,380	Zone Change	

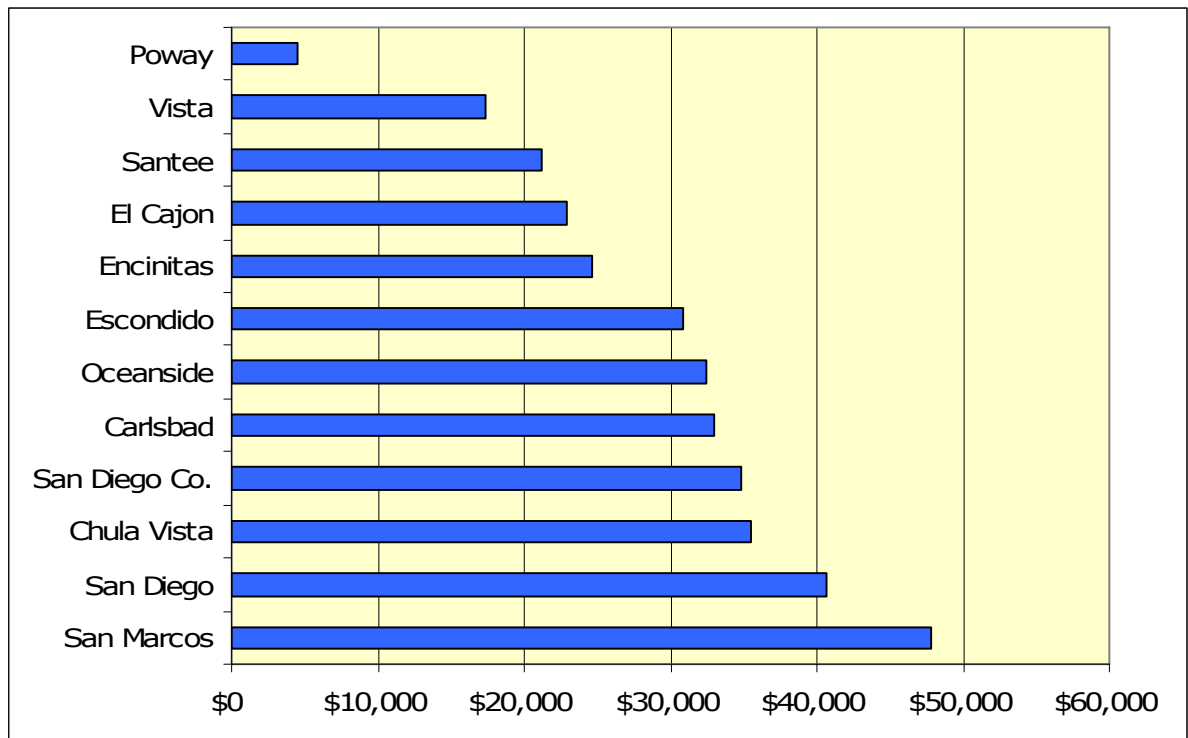
Table 4-10
Development Impact and Permit Issuance Fee Schedule

Fee Type	Fee	Fee Type	Fee
Amendment			
Final Map (Major Subdivision)	\$6,430+\$5/acre	<5 acres 5+ acres	\$4,230
Parcel Map (Minor Subdivision)	\$3,025		\$5,730
Master Plan	\$36,040		

Source: City of Carlsbad, September 2006.

The San Diego Building Industry Association (BIA) prepares an annual survey of development impact and permit issuance fees for jurisdictions in the San Diego region. As part of the 2005 survey, the BIA compared the permit issuance fees for a 4-bedroom/3-bath/2700-square-foot prototypical home (**Figure 4-1**). Among the participating jurisdictions in the North County area, Carlsbad had moderate fees for the prototype home (\$32,971). Fees in Poway were the lowest (\$4,500), while fees for the prototype home in San Marcos were the highest (\$47,829).

Figure 4-1
Permit and Development Impact Fees



Source: San Diego Building Industry Association, 2005.

The City of Carlsbad also analyzed the permit issuance fees for multi-family apartment structures with four or more units. To obtain complete information, data for apartments issued from 2003 to 2007 and only in the area for which the City provides water and sewer services was considered. For the 888 apartment units permitted in that time frame, the City charged over \$8,800,000 in permit fees, or an average of \$9,937 for each apartment. Fees do not include school district charges, which are not collected by the City.

Between 2000 and 2008, the City's multi-family housing stock increased by 45%, the largest highest growth of multi-family housing in the County, after only the City of San Marcos. Countywide, multi-family housing increased 12%. Therefore, the City's fees and other permit processing procedures or land use controls have not constrained multi-family development in the City.

Mitigating Opportunities

Carlsbad's development fees do not unduly constrain the development of affordable housing in the City. Although the City does not waive fees for affordable housing projects, the Housing and Redevelopment Department provides financial assistance to most affordable housing projects constructed in Carlsbad using a variety of funding sources, including redevelopment housing set-aside, Housing Trust Fund, and CDBG/HOME Housing Reserve Fund.

C. Environmental Constraints

Environmental constraints to residential development typically relate to the presence of sensitive habitat, water supply, topography, and other environmental hazards that can limit the amount of development in an area or increase the cost of development. This section analyzes these potential constraints.

Endangered Species/Sensitive Habitat

Carlsbad contains many areas where native habitat hosts endangered or sensitive species. Protection of many of the species is mandated by federal and state laws. The presence of sensitive or protected habitat and/or species can constrain the amount of developable land. With the price of land so high in Carlsbad, this type of constraint on otherwise developable land would make the construction of affordable housing less feasible.

Mitigating Opportunities

With the adoption of the Habitat Management Plan (HMP) in 2004, the processing time for housing development and associated costs are reduced.

Water Supply

Although Carlsbad and the San Diego County Water Authority (SDCWA) do not foresee short-term water supply problems, the City cannot guarantee the long-term availability of an adequate water supply. Recent State law requires that the local water purveyor prepare a water supply assessment for larger subdivisions to ensure adequate long-term water supply for single-year and multi-year drought conditions prior to issuance of a building permit. The City also actively implements several water conservation programs and has an extensive network for the collection, treatment, and circulation of recycled water for non-potable uses throughout the City. In 2006, the City approved the Carlsbad Seawater Desalination Plant. If approved by the Coastal Commission and built, the desalination plant would provide 100 percent of the potable water needs of the Carlsbad Municipal Water District, which serves most of the city.

Mitigating Opportunities

Pursuant to State law, affordable housing projects should be given priority for water and sewer services should supply or capacity becomes an issue.

The Carlsbad Municipal Water District (CMWD) serves approximately 75 percent of the City, providing sewer service to the same area as the City of Carlsbad. Both the City and CMWD have adequate capacity and facilities to serve the portion of the City's remaining RHNA that is within their service areas. This equals approximately 3,200 units, or the majority of the City's 3,566 remaining RHNA units.

The portions of Carlsbad not served by CMWD or the City are located in the southeastern part of Carlsbad, including the community known as "La Costa." For much of this area, the Leucadia Wastewater District provides sewer service and the Olivenhain Municipal and Vallecitos water districts provide water service. None of the sites the City has identified to meet its RHNA are located in the Vallecitos service area. However, no more than 400 of Carlsbad's remaining RHNA are located within the Leucadia and Olivenhain districts. Letters indicating the ability of the districts to provide service are pending.

Topography

Certain topographic conditions can limit the amount of developable land and increase the cost of housing in Carlsbad. For safety and conservation purposes, Carlsbad's Hillside Development Ordinance does not allow significant amounts of grading without regulatory permits. In addition, land that has slopes over 40 percent is precluded from the density calculation. Development on slopes greater than 25 percent but less than 40 percent is permitted at half the site's base density. Thousands of acres of land in Carlsbad are constrained by topography. Where residential development is permitted on moderate slopes, the cost of improvement and construction in these areas increases and can affect the end price of the unit. For safety concerns and the community goal of

preserving the unique scenic qualities of hillside topography, these policies on hillside development are necessary.

McCellan/Palomar Airport

The McCellan/Palomar Airport is located east of the I-5 and north of Palomar Airport Road within the City limits. The significant restrictions to residential development are the flight activity zone and within certain projected noise contour levels. The flight activity zone contains areas restricted from certain uses due to potential crash hazards. The projected noise contour levels are used to quantify noise impacts and to determine compatibility with land uses. State noise standards have adopted the 65 CNEL (Community Noise Equivalent Level) as the noise environment not suitable for residential use.

Mitigating Opportunities

The Carlsbad General Plan Land Use Element designates the area around the Airport primarily for industrial and agricultural uses. Multi-family residential development may be permitted providing it serves with or is built in conjunction with adjoining industrial development. Any multi-family housing within the 65 CNEL is subject to a noise study and required mitigation measures.

Environmental Constraints of Identified Housing Sites

Section 3 identifies a variety of sites that the City proposes to meet its remaining share of the Regional Housing Needs Assessment (RHNA), which totals 3,566 units. To the extent possible, the environmental constraints associated with these sites are generally discussed below. Please refer to Section 3 for explanations regarding the General Plan designations and other terms used.

1. *Robertson Ranch* – Divided into two planning “villages” consisting of individual planning areas, this large, approved master planned community has a certified environmental impact report (EIR). The east village is under construction. The west village is not yet under construction and features areas of steep slopes and sensitive habitat. However, most of the west village is currently in agricultural production or fallow fields, and all master planning for the entire west village is completed. Development of the individual planning areas, if in conformance with the master plan and impacts considered in the EIR, require no further environmental review.
2. *Unentitled Lands* – Unentitled parcels with existing RMH or RH General Plan designations are scattered throughout Carlsbad. Generally, these properties are small, with the majority under one acre in size and the largest approximately 3.5 acres in size. These parcels are typically located in developed areas and are not expected to be heavily constrained by steep slopes and habitat or require significant environmental review.

3. *Underutilized Sites* – These are properties with existing RMH or RH General Plan designations and potential for more intense development. They are all less than one acre in size, located near the coast, and in developed areas. There are likely no significant environmental constraints associated with these parcels.
4. *Proposed Barrio Area and Existing Village Redevelopment Area* - These two areas have the potential to provide a significant amount of housing to meet the City's remaining RHNA. Located adjacent to each other and west of Interstate 5, the Barrio and Village areas are in urbanized, developed areas and lack significant topography and sensitive vegetation. Impacts associated with density increases already approved for the Village Redevelopment Area and considered in this Housing Element have been analyzed in an adopted environmental document. As individual projects are proposed, they will go through separate environmental review although this review is not expected to be significant.

The proposed Barrio Area plan will require environmental review, which will likely focus on potential impacts associated with urban development, such as traffic, aesthetics, land use, and public facilities. Adoption of the planning and environmental documents for the proposed Barrio Area may extend to 2010, but is expected to be completed before July 2010.

5. *Bridges at Aviara Affordable Housing Component* – Part of a large proposed senior project, this high density project is located on undeveloped lands in the City's Coastal Zone. Potential environmental constraints include those associated with slopes, sensitive habitat, and land use. The project site is on land currently designated for low density development. The project will be analyzed for compliance with the City's Habitat Management Plan and Local Coastal Program, among other documents. Environmental impacts will be considered in the environmental document prepared for the whole Bridges at Aviara project. Processing of the environmental document may extend through 2009.
6. *La Costa Town Square* – This project is subject to an EIR that is scheduled for release as a draft document in 2008. The RH portion of this project is already graded; the commercial mixed use portion is on undeveloped property with topographic and vegetation constraints, among others. It is expected that the project and its EIR can be approved in 2009.
7. *Ponto* – The Ponto area features a proposed RH site and a proposed commercial mixed use site. The RH and mixed use sites and land uses are already identified and analyzed in an approved vision plan and EIR certified by the City Council; however, zoning and General Plan amendments are necessary to put in place correct land use designations, and the EIR is the subject of litigation regarding financial contributions towards off-site improvements. Provided litigation is resolved without

revisions to the EIR, development consistent with the vision plan should not require additional significant environmental review.

8. *Quarry Creek* – A former mining operation, Quarry Creek is a largely disturbed, approximately 100-acre property that also features significant habitat areas. The property is subject to reclamation as required by the state Surface Mining and Reclamation Act. The reclamation plan and accompanying EIR are in preparation and the draft EIR was released for public review in September 2008. Based on earlier agreements, the City of Oceanside, not Carlsbad, is responsible for preparation and approval of the reclamation plan and EIR. An additional, five-acre portion of the former mine is in Oceanside and is not part of the site considered by this Housing Element.

Additional environmental review will be required for the land use designations the City proposes for this site; this review may include another EIR. Furthermore, site reclamation must be permitted and must occur before Quarry Creek is ready for residential or other development. Reclamation includes restoration of Buena Vista Creek, which bisects the site, and remediation of soils, a process which is well underway.